

**U.S. District Court
District of Rhode Island (Providence)
CIVIL DOCKET FOR CASE #: 1:18-cv-00346-JJM-LDA**

Makarova Cross et al v. US Treasury Department et al
Assigned to: District Judge John J. McConnell, Jr.
Referred to: Magistrate Judge Lincoln D. Almond
Cause: 05:552 Freedom of Information Act

Date Filed: 06/26/2018
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Nellie Makarova Cross

represented by **Charles J. Reilly**
Reilly & Associates, LLC
321 South Main Street
Suite 580
Providence
Providence, RI 02903
United Sta
401-861-1120
Fax: 401-331-6187
Email: reillylaw1@aol.com
ATTORNEY TO BE NOTICED

Plaintiff

Sergey Korolev

represented by **Charles J. Reilly**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

US Treasury Department

Defendant

Internal Revenue Service

represented by **Erin F. Darden**
U.S. Department of Justice
Tax Division
Ben Franklin Station
PO Box 227
Washington, DC 20044
202-307-6501
Email: Erin.Darden@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephanie A. Sasarak
U.S. Department of Justice
Tax Division Eastern Region
Ben Franklin Station
PO Box 227
Washington, DC 20044
202-307-2089
Email: stephanie.a.sasarak@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/26/2018	<u>1</u>	COMPLAINT (filing fee paid \$ 400.00, receipt number 0103-1229771), filed by Nellie Makarova Cross.(Reilly, Charles) (Main Document 1 replaced on 6/26/2018)

		(Potter, Carrie). (Additional attachment(s) added on 6/26/2018: # <u>1</u> Exhibit, # <u>2</u> Civil Cover Sheet) (Potter, Carrie). (Entered: 06/26/2018)
06/26/2018	<u>2</u>	MOTION to Compel Preparation of a Vaughn Index filed by Nellie Makarova Cross. Responses due by 7/10/2018. (Reilly, Charles) (Entered: 06/26/2018)
06/26/2018		DOCKET NOTE: Regarding: <u>1</u> Complaint,. CLERK'S NOTE: Remote electronic access to the document has been restricted by the Clerk's Office as it contains one or more personal identifiers. Filer is directed to submit a redacted version. (Potter, Carrie) (Entered: 06/26/2018)
06/26/2018		Case assigned to District Judge John J. McConnell, Jr. and Magistrate Judge Lincoln D. Almond. (Potter, Carrie) (Entered: 06/26/2018)
06/26/2018	<u>3</u>	CASE OPENING NOTICE ISSUED (Potter, Carrie) (Entered: 06/26/2018)
06/27/2018	<u>4</u>	EXHIBIT IN SUPPORT by Nellie Makarova Cross in support of <u>1</u> Complaint, <i>Injunctive Relief Redacted</i> . (Reilly, Charles) (Entered: 06/27/2018)
07/10/2018	<u>5</u>	RESPONSE In Opposition to <u>2</u> MOTION to Compel Preparation of a Vaughn Index filed by Internal Revenue Service. Replies due by 7/17/2018. (Attachments: # <u>1</u> Supporting Memorandum, # <u>2</u> Proposed Order)(Darden, Erin) (Entered: 07/10/2018)
07/17/2018	<u>6</u>	MOTION for an Extension of Time to File Answer re <u>1</u> Complaint, filed by Internal Revenue Service. Responses due by 7/31/2018. (Attachments: # <u>1</u> Proposed Order)(Darden, Erin) (Entered: 07/17/2018)
07/18/2018		TEXT ORDER granting <u>6</u> Motion for Extension of Time to Answer: Reset Deadlines: Internal Revenue Service answer due 8/26/2018 – So Ordered by District Judge John J. McConnell, Jr. on 7/18/2018 (Barletta, Barbara) (Entered: 07/18/2018)
07/23/2018		TEXT ORDER: Plaintiff's <u>2</u> Motion to Compel is denied without prejudice as premature – So Ordered by District Judge John J. McConnell, Jr. on 7/23/2018. (Barletta, Barbara) (Entered: 07/23/2018)
08/27/2018	<u>7</u>	ANSWER to Complaint by Internal Revenue Service.(Darden, Erin) (Entered: 08/27/2018)
08/30/2018	<u>8</u>	MOTION to Compel Preparation of a Vaughn Index filed by Nellie Makarova Cross. Responses due by 9/13/2018. (Reilly, Charles) (Entered: 08/30/2018)
09/14/2018		TEXT ORDER granting as unopposed <u>8</u> Motion to Compel Vaugh Index– So Ordered by District Judge John J. McConnell, Jr. on 9/14/2018. (Barletta, Barbara) (Entered: 09/14/2018)
09/14/2018	<u>9</u>	NOTICE of Hearing: Telephonic Rule 16 Conference set for Friday, 10/5/2018 at 09:00 AM before District Judge John J. McConnell, Jr. The Court will initiate the call. Counsel shall provide the Clerk with contact information if it differs from the docket sheet. (Barletta, Barbara) (Entered: 09/14/2018)
09/18/2018	<u>10</u>	NOTICE of Appearance by Stephanie A. Sasarak on behalf of Internal Revenue Service (Sasarak, Stephanie) (Entered: 09/18/2018)
09/18/2018	<u>11</u>	MOTION for an Extension of Time to File Response/Reply as to Order on Motion to Compel filed by Internal Revenue Service. Responses due by 10/2/2018. (Attachments: # <u>1</u> Response to the plaintiffs' second Motion to Compel Preparation of Vaughn Index)(Darden, Erin) (Entered: 09/18/2018)
10/02/2018	<u>12</u>	REPORT of Rule 26(f) Planning Meeting. (Darden, Erin) (Entered: 10/02/2018)
10/02/2018	<u>13</u>	RESPONSE In Opposition to <u>11</u> MOTION for an Extension of Time to File Response/Reply as to Order on Motion to Compel filed by Nellie Makarova Cross. Replies due by 10/9/2018. (Reilly, Charles) (Entered: 10/02/2018)
10/03/2018		HEARING CANCELLED: The Telephonic Rule 16 Conference scheduled for Friday, 10/5/18 at 9:00 a.m. before Judge John J. McConnell, Jr. is cancelled (Barletta, Barbara) (Entered: 10/03/2018)
10/03/2018		TEXT ORDER: The parties are to file a joint status report with the Court on or before December 5, 2018. If the parties have not resolved this dispute by that time, they shall

		submit a proposed scheduling order to the Court – So Ordered by District Judge John J. McConnell, Jr. on 10/3/2018 (Barletta, Barbara) (Entered: 10/03/2018)
10/09/2018	<u>14</u>	REPLY to Response re <u>13</u> Response to Motion, <i>for an Extension of Time to Oppose Plaintiffs' Second Motion for a Vaughn Index</i> filed by Internal Revenue Service. (Darden, Erin) (Entered: 10/09/2018)
10/09/2018		TEXT ORDER: Defendant's <u>11</u> Motion for an Extension is GRANTED as follows: The Court's Text Order dated 9/14/18 is vacated; Plaintiff's <u>8</u> Motion to Compel is reinstated; Defendant's objection to the Motion to Compel [11–1] will be filed on the docket by the clerk of court; the Plaintiff shall have until October 22, 2018 to file an reply to the defendant's objection – So Ordered by District Judge John J. McConnell, Jr. on 10/9/2018. (Barletta, Barbara) (Entered: 10/09/2018)
10/09/2018	<u>15</u>	RESPONSE In Opposition to <u>8</u> MOTION to Compel Preparation of a Vaughn Index filed by Internal Revenue Service – Replies due by 10/22/2018. (Barletta, Barbara) (Entered: 10/09/2018)
10/23/2018		TEXT ORDER: Plaintiff's Motion to Compel <u>8</u> is DENIED as premature – So Ordered by District Judge John J. McConnell, Jr. on 10/23/2018. (Urizandi, Nisshy) (Entered: 10/23/2018)
12/05/2018	<u>16</u>	STATUS REPORT by Internal Revenue Service. (Darden, Erin) (Entered: 12/05/2018)
01/07/2019	<u>17</u>	MOTION to Stay <i>of Case in Light of Lapse of Appropriations</i> filed by Internal Revenue Service. Responses due by 1/22/2019. (Attachments: # <u>1</u> Proposed Order)(Darden, Erin) (Entered: 01/07/2019)
01/08/2019	<u>18</u>	ORDER granting <u>17</u> Motion to Stay– So Ordered by District Judge John J. McConnell, Jr. on 1/8/2019. (Barletta, Barbara) (Entered: 01/08/2019)
01/09/2019	<u>19</u>	AMENDED DOCUMENT by Internal Revenue Service. Amendment to <u>18</u> Order on Motion to Stay . (Darden, Erin) (Entered: 01/09/2019)
01/09/2019	<u>20</u>	AMENDED ORDER granting <u>17</u> MOTION to Stay <i>of Case in Light of Lapse of Appropriations</i> – So Ordered by District Judge John J. McConnell, Jr. on 1/9/2019. (Barletta, Barbara) (Entered: 01/09/2019)
02/04/2019		TEXT ORDER: Parties shall submit a joint status report on or before 2/19/19 – So Ordered by District Judge John J. McConnell, Jr. on 2/4/2019. (Barletta, Barbara) (Entered: 02/04/2019)
02/19/2019	<u>21</u>	STATUS REPORT by Internal Revenue Service. (Darden, Erin) (Entered: 02/19/2019)
03/12/2019	<u>22</u>	STATUS REPORT <i>Joint Proposed Briefing Schedule</i> by Internal Revenue Service. (Darden, Erin) (Entered: 03/12/2019)
03/13/2019		TEXT ORDER entering <u>22</u> Status Report and briefing schedule; Set Deadlines: IRS shall file its Motion Motion for Summary Judgment by 5/30/2019; plaintiffs will file their responses and any cross– motion by 7/1/19; the IRS shall file its reply by 7/15/19. If the plaintiffs file a cross–motion for summary judgment the IRS shall file its response and reply by 7/31/19– So Ordered by District Judge John J. McConnell, Jr. on 3/13/2019. (Barletta, Barbara) (Entered: 03/13/2019)
05/07/2019	<u>23</u>	Consent MOTION for an Extension of Time 14–day extension for the IRS to move for summary judgment filed by Internal Revenue Service. Responses due by 5/21/2019. (Attachments: # <u>1</u> Proposed Order)(Darden, Erin) (Entered: 05/07/2019)
05/08/2019		TEXT ORDER granting <u>23</u> Motion for Extension of Time; Reset Deadlines: Defendant shall file its Motion for Summary Judgment by 6/13/2019; plaintiffs shall file their responses and any cross–motion by 7/15/19 and IRS shall file any response and/or reply by 8/14/19 – So Ordered by District Judge John J. McConnell, Jr. on 5/8/2019. (Barletta, Barbara) (Entered: 05/08/2019)
05/30/2019	<u>24</u>	STIPULATION <i>that the adequacy of the IRS's search is not at issue in this matter</i> filed by Internal Revenue Service. (Darden, Erin) (Entered: 05/30/2019)
05/31/2019		TEXT ORDER entering <u>24</u> STIPULATION <i>that the adequacy of the IRS's search is not at issue in this matter</i> – So Ordered by District Judge John J. McConnell, Jr. on

		5/31/2019. (Urizandi, Nisshy) (Entered: 05/31/2019)
06/13/2019	<u>25</u>	MOTION for Summary Judgment filed by Internal Revenue Service. Responses due by 6/27/2019. (Attachments: # <u>1</u> Supporting Memorandum, # <u>2</u> Proposed Order)(Darden, Erin) (Entered: 06/13/2019)
06/13/2019	<u>26</u>	STATEMENT OF UNDISPUTED FACTS by Internal Revenue Service re <u>25</u> MOTION for Summary Judgment . (Attachments: # <u>1</u> Exhibit A; First FOIA Request, # <u>2</u> Exhibit B: Second FOIA Request, # <u>3</u> Affidavit Eunice Lim, # <u>4</u> Affidavit Charles B. Christopher)(Darden, Erin) (Entered: 06/13/2019)